



655 Fifteenth Street, NW, Suite 225  
Washington, DC 20005

balljanik.com

t 202.638.3307  
f 202.783.6947

May 31, 2011

Karl Morell  
Of Counsel  
kmorell@balljanik.com

BY HAND DELIVERY

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423



Re: STB Docket No. AB-6 (Sub-No. 477X), BNSF Railway Company --  
Abandonment of Rail Service Easement Exemption -- In Los Angeles  
County, California

Dear Ms. Brown:

229666

Attached for filing are the original and ten copies of a Petition for Exemption  
under 49 U.S.C. § 10502. Also attached is a check covering the \$6,300 filing fee.

Please time and date stamp the extra copy of the Petition and return it with our  
messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell  
Of Counsel

ENTERED  
Office of Proceedings

JUN 01 2011

Part of  
Public Record

KM:KM

**FILED**

MAY 31 2011

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

MAY 31 2011

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-6 (Sub-No. 477X)

BNSF RAILWAY COMPANY  
--ABANDONMENT OF RAIL FREIGHT SERVICE EASEMENT EXEMPTION--  
IN LOS ANGELES COUNTY, CALIFORNIA

PETITION FOR EXEMPTION



David T. Rankin  
Senior General Attorney  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828

Karl Morell  
Of Counsel  
Ball Janik LLP  
655 Fifteenth Street, N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 638-3307

Attorneys for:  
BNSF Railway Company

Dated: May 31, 2011

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**STB DOCKET NO. AB-6 (Sub-No. 477X)**

---

**BNSF RAILWAY COMPANY  
--ABANDONMENT OF RAIL FREIGHT SERVICE EASEMENT EXEMPTION--  
IN LOS ANGELES COUNTY, CALIFORNIA**

---

**PETITION FOR EXEMPTION**

---

BNSF Railway Company ("BNSF") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U.S.C. § 10502, from the prior approval requirements of 49 U.S.C. §§ 10903-05, BNSF's abandonment of its Rail Freight Service Easement ("Freight Easement") over an approximately 4.85-mile rail line owned by Los Angeles County Metropolitan Transportation Authority ("LACMTA") and located in Los Angeles County, California.

**PROPOSED TRANSACTION**

BNSF proposes to abandon its Freight Easement on the LACMTA line located between milepost 119.35, just east of the San Gabriel River, in Irwindale, and milepost 124.20, just east of the Santa Anita Blvd. grade crossing in Arcadia, in Los Angeles County, California (the "Line"). The Line traverse U.S. Postal Service Zip Codes 91006, 91007, 91010, 91016, 91702 and 91706. A map of the Line is attached as Exhibit A. There are no stations on the Line.

Based on information in BNSF's possession, the Line does contain federally granted right-of-way. Any documentation in BNSF's possession regarding federally granted right-of-way will be made available to those requesting it.

## STATEMENT OF FACTS

The Line is part of a group of rail lines acquired by Los Angeles County Transportation Commission (“LACTC”), a predecessor of the LACMTA. *See* Finance Docket No. 32172, *Los Angeles County Transportation Commission – Acquisition Exemption – Atchison, Topeka and Santa Fe Railway Company* (not printed), served December 2, 1992. In that transaction, The Atchison, Topeka and Santa Fe Railway Company (“ATSF”) retained the exclusive binding, permanent easement to continue providing freight common carrier service over the Line. Subsequently, the Board’s predecessor, the Interstate Commerce Commission (“ICC”), found that the commuter service restrictions on ATSF’s freight service in the shared use agreement were so extensive as to substantially impair the effect of the permanent easement. Consequently, LACTC’s successor, the Los Angeles County Metropolitan Transportation Authority was deemed to be a railroad subject to the jurisdiction of the ICC. *Orange County Transp. – Atchison, T. & S.F. Ry. Co.*, 10 I.C.C.2d 78 (1994). LACMTA and a number of other county transportation agencies sought and obtained a blanket exemption from 49 U.S.C. Subtitle IV for their ownership and operation over the rail lines they had acquired from ATSF. *See* STB Finance Docket No. 32173, *et al.*, *Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Transit Development Board, North San Diego County Transit Development Board – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company* (not printed), served March 12, 1997. Consequently, LACMTA’s abandonment of its operations over the Line has already been exempted by the Board.<sup>1</sup>

---

<sup>1</sup> BNSF is seeking abandonment, and not discontinuance, authority because LACMTA does not need to obtain abandonment authority. Should the Board disagree, BNSF respectfully urges the Board to convert this to a discontinuance proceeding.

LACMTA desires to extend its current light rail service eastward to Azusa, CA via the corridor comprising the Line. BNSF is willing to accommodate LACMTA's desires because there has been no local traffic on the Line in over two years and it is very unlikely that any local traffic will develop in the foreseeable future. Also, the Line is stub-ended and, therefore, not capable of handling overhead traffic.

While the Line qualifies for the Board's two-year out-of-service exemption at 49 C.F.R. § 1152.50, BNSF is filing this Petition in order to also seek an exemption from 49 U.S.C. §§10904-05. As previously explained, the Line has been out of service for over two years and it is very unlikely that any local traffic will develop in the foreseeable future. Consequently, no legitimate offers of financial assistance ("OFA") are conceivable. LACMTA is concerned that any individual filing an OFA in this proceeding would have one of two ulterior motives: either obstructing the extension of the light rail service or extorting money from LACMTA.

#### **EXEMPTION REQUESTED**

BNSF seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order for BNSF to abandon its Freight Easement over this unused 4.85-mile rail line.

Under 49 U.S.C. § 10502, the STB must exempt a transaction from regulation when it finds that:

- (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and
- (2) either:
  - (a) the transaction is of limited scope; or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the ICC to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96<sup>th</sup> Cong. 2d Sess. 105 (1980). *See also Exemption From Regulation – Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), *vacated and remanded on other grounds, Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. 168-69 (1995).

**A. The Application Of 49 U.S.C. § 10903 Is Not Necessary to Carry Out The Rail Transportation Policy**

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to

exit [49 U.S.C. § 10101(2) and (7)]. *See, e.g., Norfolk & W. Ry. Co. – Abandonment Exem. – Cinn., Hamilton County, OH*, 3 S.T.B. 110 (1998) (“*Hamilton County*”); STB Docket No. AB-367 (Sub-No. 2X), *Georgia Central Railroad, L.P. – Abandonment Exemption – In Chatham County, GA* (not printed), served September 17, 1997 (“*Georgia Central*”). BNSF was using the Line for empty rail car storage and has made arrangements with LACTMA for alternative storage. Therefore, BNSF no longer needs the Line. By abandoning the Line, BNSF will be able to avoid the out-of-pocket expenses associated with retaining this dormant Line. Granting the exemption will thus foster sound economic conditions and encourage efficient management. 49 U.S.C. § 10101(5) and (9). *See, e.g., STB Docket No. AB-318 (Sub-No. 4X), Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA* (not printed), served August 26, 1997; STB Docket No. AB-497 (Sub-No. 1X), *Minnesota Northern Railroad, Inc. – Abandonment Exemption – In Red Lake and Polk Counties, MN* (not printed), served November 14, 1997. BNSF will be able to rid itself of a line that has seen no traffic in over two years. Other aspects of the rail transportation policy are not affected adversely. For example, competition and the continuation of a sound rail transportation system are not affected since the Line has been inactive for over two years.

#### **B. This Transaction Is Of Limited Scope**

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g., Docket No. AB-347 (Sub-No. 1X), Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL* (not printed), served January 16, 1992; Docket No. AB-6 (Sub No. 349X), *Burlington Northern Railroad Company –*

*Abandonment Exemption – In Greene and Polk Counties, MO* (not printed), served August 27, 1993.

The proposed transaction is clearly of limited scope. BNSF is seeking to abandon a 4.85-mile line with no demand for rail service in over two years. The shortness of the Line, the limited geographic area involved and the fact that there are no active rail customers on the Line demonstrate the limited scope of the proposed abandonment. *See, e.g., Docket No. AB-397 (Sub-No. 3X), Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA* (not printed), served February 9, 1995.

**C. This Transaction Will Not Result In An Abuse of Market Power**

There are no active rail customers on the Line and no traffic has moved over the Line for over two years. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g., STB Docket No. AB-55 (Sub-No. 576) CSX Transportation, Inc. – Abandonment Exemption – In Guernsey County, OH* (not printed), served November 22, 1999; *STB Docket No. AB-55 (Sub-No. 563X), CSX Transportation, Inc. – Abandonment Exemption – In Harrison County, WV* (not printed), served September 25, 1998; *Georgia Central*.

The communities along the Line have an adequate highway network capable of supporting motor carrier transportation. For example, Interstate Highways 210, 10 and 605 are all nearby. Transportation services are available from numerous motor carriers that serve the area.

Where, as here, no shippers utilize the rail line to be abandoned and former rail customers have adequate alternative transportation options available, there is no potential abuse of market power. *See Docket No. AB-290 (Sub-No. 123X), Norfolk Southern Railway Company –*



*Abandonment Exemption – In Franklin, Marion, and Winston Counties, AL* (not printed), served May 3, 1995.

Moreover, the Board and its predecessor have consistently rejected speculation about future traffic as a sound basis for denying a voluntary abandonment of an otherwise unprofitable rail line. *See, e.g.,* STB Docket No. AB-433X, *Idaho Northern & Pacific Railroad Company – Abandonment Exemption – In Wallowa and Union Counties, OR* (not printed), served April 16, 1997 (“*Idaho Northern*”);<sup>2</sup> STB Docket No. 290 (Sub-No. 260X), *Tennessee Railway Company – Abandonment Exemption – In Scott County, TN* (not printed), served June 17, 2005 (“*Tennessee*”);<sup>3</sup> STB Docket No. AB-6 (Sub-No. 370X), *Burlington Northern Railroad Company – Abandonment Exemption – Between Mesa and Basin City, Franklin County, WA* (not printed), served January 27, 1997; Docket No. AB-290 (Sub-No. 122X), *Norfolk and Western Railway Company – Abandonment Exemption – In Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA* (not printed), served September 17, 1993; Docket No. AB-55 (Sub-No. 413X), *CSX Transportation, Inc. – Abandonment Exemption – In Webster County* (not printed), served May 29, 1992. Also, a shipper “may not insist upon the maintenance of a burdensome line solely for its own benefit.” *Busboom Grain Company, Inc. v. ICC*, 856 F.2d 790, 795 (7<sup>th</sup> Cir. 1988).

---

<sup>2</sup> In *Idaho Northern*, the Board granted the abandonment even though a lumber mill had projected a total of 2,102 outbound movements of lumber and wood chips. In granting the abandonment, the Board found the traffic projections speculative but also noted that the mill had been utilizing truck service to deliver the finished products.

<sup>3</sup> Citing *Idaho Northern*, the Board, in *Tennessee*, noted that under its precedent “mere speculation about future traffic is not a sound basis upon which to deny an abandonment.” *Tennessee*, slip op., at 4

**EXEMPTION FROM SECTIONS 10904 AND 10905  
IS ALSO WARRANTED**

As previously noted, the physical assets of the Line are owned by LACMTA, there has been no traffic on the Line in over two years, and LACMTA desires to extend its current light rail service eastward to Azusa, CA via the corridor comprising the Line. Under these circumstances, BNSF seeks an exemption from 49 U.S.C. § 10904-05 to expedite the construction of LACMTA's light rail over the corridor underlying the Line. The proposed new light rail service will benefit the communities near the Line, promote energy efficiency and reduce pollution.

The Board and the ICC have granted exemptions from Sections 10904 and 10905 when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail freight service. As previously explained, no traffic has moved over the Line in over two years and there is no known potential for any future traffic. Reinstitution of rail freight service under Section 10904 would be incompatible with LACMTA's intended use of the Line. Because there is no present or reasonably foreseeable future need for freight rail service on the Line, an OFA would only be filed by someone intending to use the OFA procedures to obstruct the extension of the light rail service or extort money from LACMTA. *See e.g.* STB Docket No. AB-290 (Sub-No. 293X), *Norfolk Southern Railway Company – Abandonment Exemption – In Norfolk and Virginia Beach, VA* (not printed), served December 6, 2007 (“*Virginia Beach*”); STB Docket No. AB-33 (Sub-No. 265X), *Union Pacific Railroad Company – Abandonment and Discontinuance of Trackage Rights Exemption – In Los Angeles County, CA* (not printed), served December 16, 2008.

The Board should grant the requested relief because the Line is needed for a valid public purpose (light rail service) and there is no overriding need for continued rail freight service along

the Line. Applying the OFA requirements, in this instance, is not necessary to carry out the rail transportation policy. Allowing the abandonment exemption to become effective expeditiously, without first being subject to these requirements, would minimize the need for Federal regulatory control over the rail system, expedite regulatory decisions, and reduce regulatory barriers to exit [ 49 U.S.C. §§ 10101(2) and (7)]. As previously explained, regulation of this transaction is not necessary to protect shippers from an abuse of market power. There have been no active rail customers on the Line in over two years.

A public use condition would also be inappropriate and unnecessary since the corridor will be used for public purposes (light rail).

In many cases, light rail service such as that proposed by LACMTA has been deemed to be a valid public purpose supporting an exemption from the OFA process. *See e.g., Virginia Beach*; STB Docket No. AB-290 (Sub-No. 247X), *Norfolk Southern Railway Company – Abandonment Exemption – In Mecklenburg County, NC* (not printed), served April 9, 2004. *See also, Hamilton County* (exemption granted to accommodate the Riverfront redevelopment); STB Docket No. AB 167 (Sub-No. 1190X), *Consolidated Rail Corporation – Abandonment Exemption – In Hudson County, N.J.* (not printed), served May 17, 2010 (exemption granted because freight operations would disrupt commuter passenger project); STB Docket No. AB-290 (Sub-No. 311X), *Norfolk Southern Railway Company – Petition For Exemption – In Baltimore City and Baltimore County, MD* (not printed), served April 5, 2010 (exemption granted because freight service would disrupt commuter passenger service); STB Finance Docket No. 35164, *BNSF Railway—Petition For Declaratory Order* (not printed), served May 20, 2009 (exemption granted on Board’s own motion to accommodate relocation of highway bridge); STB Docket No. AB-55 (Sub-No. 653X), *CSX Transportation, Inc. – Abandonment Exemption – In Pike County,*

KY (not printed), served September 13, 2004 (exemption granted to accommodate expansion of highway project); STB Docket No. AB-406 (Sub-No. 14X), *Central Kansas Railway, L.L.C. – Abandonment Exemption – In Sedgwick County, KS* (not printed), served April 10, 2001 (exemption granted to assist various plans for flood control and redesign of a highway interchange); STB Docket No. AB-33 (Sub-No. 141X), *Union Pacific Railroad Company – Abandonment Exemption – In Pima County, AZ* (not printed), served February 16, 2000 (exemption granted where line was needed for public projects including bike/pedestrian paths); STB Docket No. AB-558X, *Doniphan, Kensett and Searcy Railway – Abandonment Exemption – In Searcy, White County, AR* (not printed), served May 6, 1999 (exemption granted where line was needed for construction project); STB Docket No. AB-33 (Sub-No. 105X), *Union Pacific Railroad Company Abandonment Exemption – In Kane County, IL* (not printed) served April 29, 1997 (exemption granted where line was needed for trail use); and STB Docket No. AB-3 (Sub-No. 139X), *Missouri Pacific Railroad – Abandonment and Discontinuance of Operations Exemption – In Houston, Harris County, TX* (not printed), served December 31, 1996 (exemption granted where line was needed for expansion of warehouse and hiking and bike trail).

The Line offers no known freight rail growth opportunities, even for a short line operator. Land use around the Line has already largely moved away from freight applications. Consequently, there is little, if any, chance of a rail customer locating on the Line. Furthermore, Interstate Highways 210, 10 and 605 are nearby, providing access to the interstate freight transportation system.

## **ENVIRONMENTAL AND HISTORIC REPORTS**

The Environmental Report and the Historic Report containing the information required by 49 C.F.R. §§ 1105.07 and 1105.08 were filed with the Board on May 12, 2011. The Certificate of Service for the Environmental and Historic Reports is attached as Exhibit D.

## **FEDERAL REGISTER NOTICE**

A draft Federal Register notice is attached to this Petition as Exhibit B.

## **LABOR PROTECTION**

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

## **CONCLUSION**

Application of the regulatory requirements and procedures of 49 U.S.C. §§ 10903-05 is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously described in this Petition. Nor is STB regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, BNSF respectfully urges the Board to grant the requested exemptions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl Morell", is written over a horizontal line.

David T. Rankin  
Senior General Attorney  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828

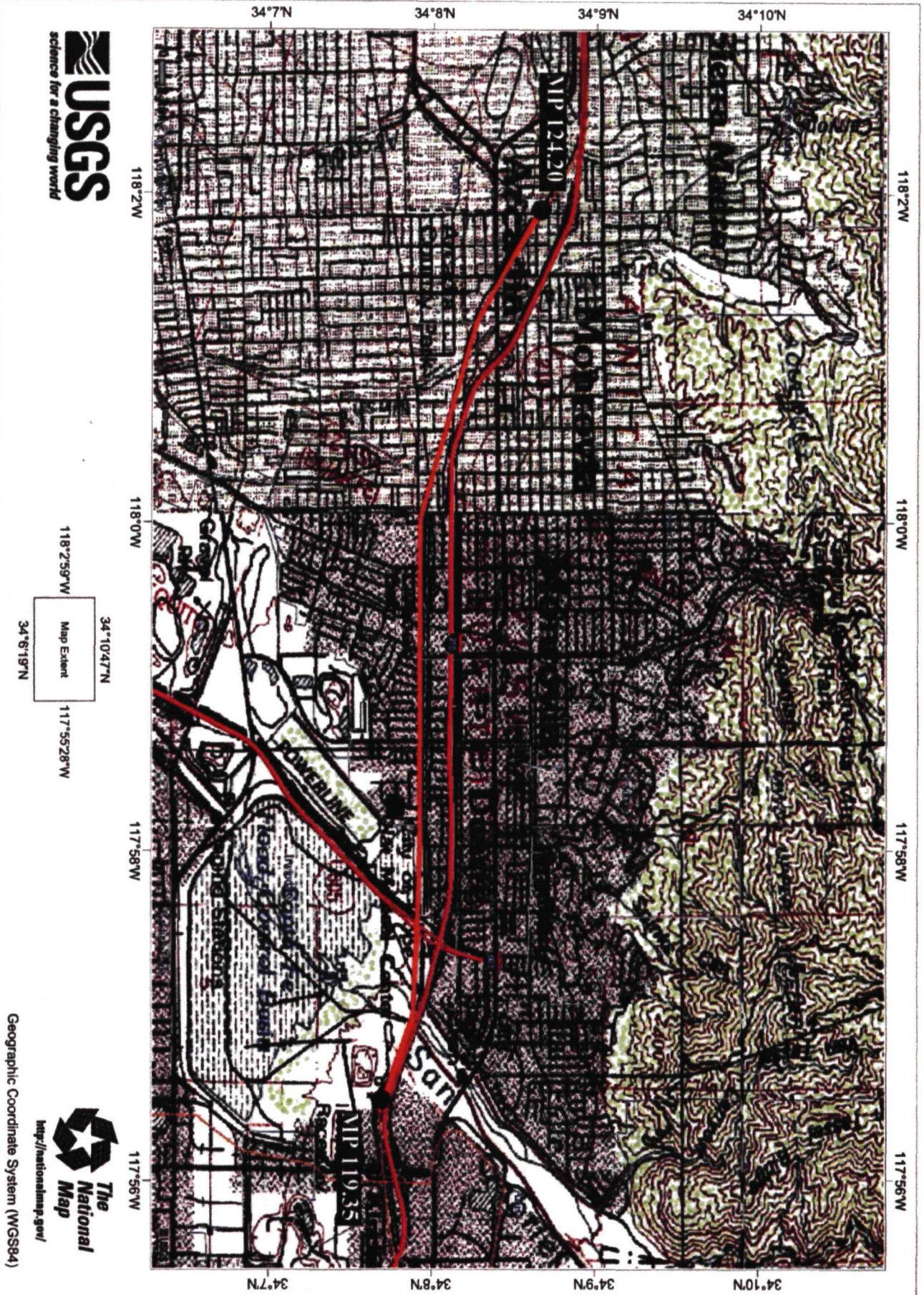
Karl Morell  
Of Counsel  
Ball Janik LLP  
655 Fifteenth Street, N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 638-3307

Attorneys for:  
BNSF Railway Company

Dated: May 31, 2011



# EXHIBIT A



**USGS**  
science for a changing world

34°10'47"N  
Map Extent  
118°2'59"W 117°55'28"W  
34°6'19"N

Geographic Coordinate System (WGS84)

**The National Map**  
<http://nationalmap.gov/>



## **EXHIBIT B**

### **SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-6 (Sub-No. 477X)**

#### **BNSF RAILWAY COMPANY --ABANDONMENT OF RAIL FREIGHT SERVICE EASEMENT EXEMPTION-- IN LOS ANGELES COUNTY, CALIFORNIA**

On May 31, 2011, BNSF Railway Company (BNSF) filed with the Surface Transportation Board a petition under 49 U.S.C. § 10502 for exemption from the provision of 49 U.S.C. § 10903 for BNSF to abandon its Rail Freight Service Easement over a line of railroad extending from railroad milepost 119.35, just east of the San Gabriel River, in Irwindale, to railroad milepost 124.20, just east of the Santa Anita Blvd. grade crossing, in Arcadia, in Los Angeles County, California (the "Line"). The Line traverses U.S. Postal Service Zip Codes 91006, 91007, 91010, 91016, 91702 and 91706. There are no stations on the Line. The Line is owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA), which will construct an extension of its light rail passenger service over the Line.

In addition to an exemption from 49 U.S.C. § 10903, BNSF seeks exemption from the offer of financial assistance (OFA) and the public use provisions at 49 U.S.C. § 10904 and 49 U.S.C. § 10905, respectively. In support, BNSF contends that an exemption from these provisions is necessary to permit LACMTA to extend light rail service over the Line. These additional exemption requests will be addressed in the final decision.

The line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).



By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued within 90 days (by September \_\_, 2011).

Any OFA under 49 CFR § 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption, unless the Board grants the requested exemption from the OFA process. Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,500. *See* 49 C.F.R. § 1002.2(f)(25).

All interested person should be aware that following abandonment of rail service, the line may be suitable for other public use, including interim trail use. Unless the Board grants the requested exemption from the public use provisions, any request for a public use condition under 49 C.F.R. § 1152.28 and any request for trail use/rail banking under 49 C.F.R. § 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*. Each trail use request must be accompanied by a \$250 filing fee. *See* 49 C.F.R. 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No. 477X) and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Karl Morell, Of Counsel, Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington, DC 20005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0305 [Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: June \_\_ 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings,

## EXHIBIT C

### CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that the Petition for Exemption in STB Docket No. AB-6 (Sub-No. 477X) was mailed via first class mail on May 31, 2011, to the following parties:

<b>State Public Service Commission</b>  California Department of Transportation 1120 N Street Sacramento, CA 95814	<b>National Park Service</b>  Chief of National Recreation and Trails U.S. Dept. of Interior - Nat'l. Park Service Recreation Resources Assistance Division 1849 C Street, NW Washington, DC 20240-0001
<b>Military Traffic Management Command</b>  MTMCTEA ATTN: SDTE-SE Railroads for National Defense 709 Ward Drive, Building 1990 Scott AFB, IL 62225-5357	<b>National Park Service</b>  National Park Service One Jackson Center 1111 Jackson Street, Suite 700 Oakland, CA 94607  <b>U.S. Department of Agriculture</b>  U.S. Department of Agriculture Chief of the Forest Service 4th Floor N.W., Auditors' Building 14th St. and Independence Ave., S.W. Washington, DC 20250

Dated: May 31, 2011

  
Karl Morell

## **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 477X) was published on May 19, 2011, in The Los Angeles Daily News, a newspaper of general circulation in Los Angeles County, California as required by 49 C.F.R. § 1105.12.

Dated: May 31, 2011



Karl Morell

## **EXHIBIT D**

### **ENVIRONMENTAL AND HISTORIC REPORTS CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental and Historic Reports in STB Docket No. AB-6 (Sub-No. 477X) was mailed via first class mail on May 11, 2011, to the following parties:

Ms. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

U.S. Department of the Interior  
Bureau of Land Management  
California Field Office  
2800 Cottage Way, Suite W-1623  
Sacramento, CA 95825-1886

City of Arcadia  
Planning Commission  
240 West Huntington Dr.  
P.O. Box 60021  
Arcadia, CA 91066

City of Irwindale  
Planning Commission  
5050 North Irwindale Avenue  
Irwindale, CA 91706

NOAA  
National Geodetic Survey  
VIA E-Mail: [NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov)

California Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

U.S. Fish & Wildlife Service  
Sacramento Fish & Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Mr. Richard J. Bruckner, Director  
Department of Regional Planning  
County of Los Angeles  
1390 Hall of Records  
320 West Temple Street  
Los Angeles, CA 90012

Ms. Christine Lehnertz, Regional Director  
U.S. Department of the Interior  
National Park Service  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

Mr. Lincoln E. Burton, State Conservationist  
California NRCS State Office  
430 G Street #4164  
Davis, CA 95616-4164


U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

Mr. Milford Wayne Donaldson, FAIA,  
State Historic Preservation Officer  
California State Parks  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

California Department of Transportation  
P.O. Box 942873  
Sacramento, CA 94273-0001

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Dated: May 31, 2011

  
Karl Morell